



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

☐ CHECK BOX, if applicable:
DUPLICATE

ADDRESS TO:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.
Of Prior Application

500.37238X00

First Named Inventor

KOBAYASHI et al

Examiner Name

D. Le

Group Art Unit

2764

Express Mail Label No.

Technology Center 2100

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/317,434 filed on 5/24/1999, entitled **METHOD
AND SYSTEM FOR MANAGING DATABASE HAVING A CAPABILITY OF PASSING DATA, AND MEDIUM
RELEVANT THERETO.**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office (April 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on January 14, 2002 under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

03/14/2002 JADD01 00000068 09317434

01 FC:131

740.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(b) or (j))		8-20* =	0	X \$ =	\$ 0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		3-3** =	0	=	\$ 0.00
MULTIPLE DEPENDENT CLAIMS (IF APPLICABLE) (37 CFR 1.16)				=	
				BASIC FEE (37 CFR 1.16)	\$ 740.00
				Total of above Calculations =	0.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* <i>Reissue claims in excess of 20 and over original patent.</i> ** <i>Reissue independent claims over original patent.</i>					\$ 740.00
TOTAL =					

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 01-2135.
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☒ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: _____

RECEIVED
MAR 15 2002
 Technology Center 2100

NOTE: The prior application's correspondence address will carry over to this CPA
 UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 020457 or ☐ Correspondence address below
 (Insert Customer No. or Attach bar code label here)

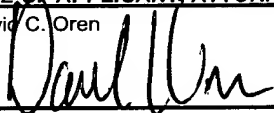
Name **ANTONELLI, TERRY, STOUT & KRAUS, LLP**

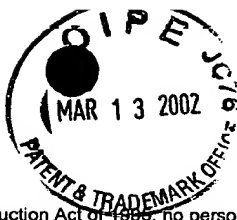
Address **1300 NORTH SEVENTEENTH STREET**

City _____ State _____ Zip Code _____

Country _____ Telephone **(703) 312-6600** Fax **(703) 312-6666**

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name	David C. Oren
Signature	
Registration No. (Attorney/Agent)	38,694
Date	March 13, 2002



CPA/27648

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/317,434
Filing Date	May 24, 1999
First Named Inventor	KOBAYASHI et al.
Examiner Name	D. Le
Group Art Unit	2764
Attorney Docket No.	500.37238CX1

RECEIVED**MAR 15 2002****TOTAL AMOUNT OF PAYMENT** (\$)**1550.00****Technology Center 2100****METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:
Deposit Account Number **01-2135**
Deposit Account Name **Antonelli, Terry, Stout & Kraus, LLP**
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant Claims small entity status. See 37 CFR 1.27

2. ☒ **Payment Enclosed:**
☐ Check ☒ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION**2. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) 740.00**1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
8 -20**	=	x	=
Indep. Claims 3-3**	=	x	=
Multiple Dependent			=

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

**or number previously paid, if greater; For Reissues, see above.

FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examination action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	810.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	For each additional invention to be examined (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 810.00**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	David C. Oren	Registration No. (Attorney/Agent)	38,694	Telephone	703-312-6600
Signature		Date	03/13/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



500.37238CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KOBAYASHI, et al.
Serial No.: 09/317,434
Filed: May 24, 1999
For: METHOD AND SYSTEM FOR MANAGING DATABASE
HAVING A CAPABILITY OF PASSING DATA, AND MEDIUM
RELEVANT THERETO
Art Unit: 2764
Examiner: D. Le

RECEIVED
MAR 15 2002
Technology Center 2100

REMARKS FOLLOWING FILING OF CONTINUED PROSECUTION
APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

March 13, 2002

Sir:

Claims 1-8 are pending in this application. This Continued Prosecution Application requests automatic entry of the January 14, 2002 Amendment After Final Rejection under 37 C.F.R. §1.116.

The September 13, 2001 Office Action rejects claims 6-8 under 35 U.S.C. §102(e) by U.S. Patent 5,983,213 to Nakano et al. (hereafter Nakano). The Office Action also rejects claims 1-5 under 35 U.S.C. §103(a) over Nakano.

The Advisory Action dated January 29, 2002 indicates that Nakano does not explicitly teach a common storage area, which is a feature recited in each of independent claims 1, 6 and 8 (after entry of the January 14th Amendment). The Advisory Action cites an article to Hongjun to suggest the claimed common storage area. As such, the Advisory Action indirectly asserts that the rejection of the claims should be based on Nakano in view of the

article to Hongjun. See the Advisory Action at the sentence bridging pages 2 and 3.

Applicants maintain the arguments set forth in the January 14, 2002 Amendment.

The present application is subject to the provisions of 35 U.S.C. §103(c) which states (in applicants words) that subject matter developed by another person, which qualifies as prior art under subsection (e) of section 102 shall not preclude patentability under section 103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person. Nakano and the present application are commonly assigned (Hitachi, Ltd.) and relate to different inventive entities. Thus, in accordance with 35 U.S.C. §103(c), Nakano is disqualified as prior art. Se MPEP §706.02(l) (1). The Examiner is requested to contact applicants' undersigned attorney should any additional information be required relating to this matter.

Nakano is therefore disqualified as prior art to the pending claims. In view of this, the Office Action fails to make a *prima facie* case of obviousness. Withdrawal of the outstanding rejections is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-8 are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.37298CX1).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



David C. Oren
Registration No. 38,694

DCO/dbp
(703) 312-6600